

NO. 4:22-CV-146-FL


Defendant.

modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

Under 28 U.S.C. § 1915(e)(2), the court may dismiss an action that fails to state a claim on which relief may be granted. Plaintiff here sues defendant for violating the Right to Financial Privacy Act (“RFPA”), 12 U.S.C. §§ 3401–3423; Section 326 of the USA PATRIOT ACT, Pub. L. No. 107-56, § 326, 115 Stat. 272, 317 (2001)1; and 31 C.F.R. § 1020.220, a regulation promulgated pursuant to Section 326 of the USA PATRIOT ACT. The M&R recommends dismissal of plaintiff’s claims under RFPA because plaintiff does not allege conduct prohibited, namely disclosure of his financial records to a government entity; and the M&R recommends dismissal under the USA PATRIOT ACT and 31 C.F.R. § 1020.220 because both lack a private right of action. Plaintiff in his objection does not address the bases on which magistrate judge recommends dismissal, instead alleging generally that the conduct alleged is covered by 31 C.F.R. § 1020.220 and defendant is not immune from suit. The court accordingly reviews the M&R only for clear error. See Diamond, 416 F.3d at 315.

Upon careful review of the M&R, the court finds the magistrate judge’s analysis to be thorough, and there is no clear error. Based on the foregoing, the court ADOPTS the recommendation in the M&R (DE 6). Plaintiff’s complaint is DISMISSED for failure to state a claim upon which relief can be granted. The clerk of court is DIRECTED to close the case.

SO ORDERED, this the 30th day of March, 2023.



LOUISE W. FLANAGAN
United States District Judge